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SENATE BILL 468

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Carlos R. Cisneros

AN ACT

RELATING TO PARKS AND RECREATION; PROVIDING FOR THE ACQUISITION OF LANDS ADJACENT TO OR CONTIGUOUS TO STATE PARKS OR RECREATIONAL AREAS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 16-2-11 NMSA 1978 (being Laws 1935, Chapter 57, Section 11, as amended) is amended to read:

"16-2-11. ACQUISITION OF LANDS FOR PARK AND RECREATIONAL PURPOSES-- CRITERIA. --

A. The state is authorized to acquire lands or interests in lands for state park or state recreational purposes by gift, donation, devise or purchase. Acquired lands or interests in lands shall be held for the use of the state to develop, maintain and operate them as state parks or state recreational areas. In acquiring real property or any interest

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1 in real property, the power of eminent domain shall not be
2 used. The criteria for acquisition and development shall be
3 those specified in Subsections B through G of this section.

4 B. Sites that may be designated as state parks or
5 state recreational areas shall be only those:

6 (1) having a diversity of resources, including
7 areas of scientific, aesthetic, geologic, natural or historic
8 value;

9 (2) providing recreational opportunities
10 significant enough to assure patronage from a region or
11 preferably from the state as a whole; and

12 (3) conforming to the state comprehensive
13 outdoor recreation plan.

14 C. Lands designated for acquisition or development
15 as state parks or state recreational areas shall be those
16 that:

17 (1) are adjacent to existing parks or
18 recreational areas and are necessary for successful park or
19 recreational area protection and development;

20 (2) help meet recreation and open space
21 demands of metropolitan area residents by emphasizing park or
22 recreational areas within easy access of population centers;

23 (3) preserve the most significant examples of
24 New Mexico natural scenic landscape; ~~and~~ or

25 (4) meet the pressure on primary vacation

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1 regions not adequately supplied with public recreation
2 opportunities.

3 D. Lands that are acquired or developed as state
4 parks or state recreational areas shall be managed and
5 developed according to the following objectives:

6 (1) outdoor recreation shall be recognized as
7 the dominant or primary resources management objective;

8 (2) physical development shall promote the
9 outdoor recreation objective through the use of proper design,
10 materials and construction to enhance and promote the use and
11 enjoyment of the recreational resources in the area;

12 (3) within economical limits, state parks or
13 state recreational facilities shall be landscaped and developed
14 to achieve an environment that is aesthetically pleasing,
15 ecologically functional and complementary to the native
16 environment;

17 (4) use periods for parks or recreational
18 facilities shall be extended by providing a variety of
19 facilities that will attract visitors during all seasons of the
20 year; and

21 (5) all significant historic structures
22 contained in state parks or state recreational areas shall be,
23 within economical limits, reconstructed, restored or stabilized
24 to provide for continued user benefit.

25 E. Factors to be taken into consideration when

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1 lands are considered for acquisition or development as state
2 parks or state recreational areas are:

3 (1) the character of the land resources, such
4 as soil, vegetation, topography and water, that affects the
5 suitability of the lands for development as parks or
6 recreational areas;

7 (2) facilities development to meet the average
8 and slightly higher than average demands rather than the peak
9 demands of summer and the holiday weekends;

10 (3) development priority based upon
11 demonstrated use and demand, balance and distribution of
12 existing facilities and the availability of lands suitable for
13 development; and

14 (4) resources protection shall also be
15 considered a priority if the resources need urgent attention,
16 but the priority shall be determined by the relative value of
17 the resources involved.

18 F. The cost of lands to be proposed for acquisition
19 or development as state parks or state recreational areas
20 should be reasonable, with consideration given to the
21 recreational value of the land on which the state park or state
22 recreational area is to be located. No property shall be
23 purchased that involves commitments, privileges or conditions
24 to any private interest, except that property may be purchased
25 that has restrictions limiting its use to that of a state park

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1 or state recreational area.

2 G. All lands considered for acquisition or
3 development as new state parks or state recreational areas
4 shall undergo a feasibility study prior to acquisition or
5 development. [~~Ongoing projects that have already received an~~
6 ~~appropriation at the effective date of this section are~~
7 ~~exempted from the requirements of this section.~~] Feasibility
8 studies shall include:

9 (1) a determination that the proposed area meets
10 the criteria set forth in this section;

11 (2) an estimate of the total development cost,
12 including land acquisition, planning and construction and
13 recommendations for methods of financing the development costs;

14 (3) an estimate of the annual costs for
15 operation and maintenance;

16 (4) an estimate of demand and a projection of
17 visitor use for the proposed area; and

18 (5) an analysis of the proposed area as it
19 relates to plans or development by other governmental agencies
20 or the private sector in adjacent areas.

21 H. The state is authorized, upon the execution of a
22 written agreement between the director of the state [~~park and~~
23 ~~recreation~~] parks division of the energy, minerals and natural
24 resources department and the department, service or agency of
25 the United States having jurisdiction of lands of the United

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1 States, to develop, protect, maintain and operate in accordance
2 with the agreement federally owned lands as state parks or
3 state recreational areas, but the state may not acquire the fee
4 title to or a permanent right in the lands pursuant to such an
5 agreement.

6 I. The designation of sites as suitable for state
7 parks or ~~[recreation]~~ recreational areas, the designation of
8 certain lands for acquisition or development, the consideration
9 of lands for acquisition or studying the feasibility of
10 acquisition or development of lands shall not create a right of
11 action on the part of any person to force action by the state
12 ~~[park and recreation]~~ parks division of the energy, minerals
13 and natural resources department or the state.

14 J. Any acquisition of land or any interest in land
15 for a new state park or ~~[recreation purposes]~~ recreational area
16 shall be approved by the legislature prior to the execution of
17 a written agreement binding the state to expenditure of funds
18 for acquisition or development of state parks or ~~[recreation]~~
19 recreational areas. Lands that are adjacent or contiguous to
20 existing state parks or recreational areas or are necessary for
21 successful park or recreational area protection and development
22 and will become part of the park or recreational area may be
23 acquired without legislative approval if the state board of
24 finance approves the acquisition and funds for the acquisition
25 are available to the state parks division of the energy,

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1 minerals and natural resources department or the land is
2 donated to the division.

3 K. Only lands or interests in lands acquired or
4 retained in accordance with the provisions of this section and
5 operated pursuant to the authority of the state [~~park and~~
6 ~~recreation~~] parks division of the energy, minerals and natural
7 resources department may use the designation of "state park" or
8 "state recreational area". "

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